

Message Text

LIMITED OFFICIAL USE

PAGE 01 LIMA 00713 272251Z

73

ACTION EB-07

INFO OCT-01 ARA-06 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

DOTe-00 INR-07 NSAE-00 RSC-01 FAA-00 L-02 SS-15 NSC-05

SP-02 /048 W

----- 056200

R 272230Z JAN 75

FM AMEMBASSY LIMA

TO SECSTATE WASHDC 3653

INFO AMEMBASSY BUENOS AIRES

LIMITED OFFICIAL USE LIMA 0713

EO 11652: N/A

TAGS: EAIR, PE

SUBJECT: CIVAIR CONSULTATIONS

REF: LIMA 0678

THERE FOLLOWS AN UNOFFICIAL TRANSLATION OF GOP STATEMENT
REFERRED TO IN REFTEL:

IN RESPONSE TO YOUR COMMUNICATION OF YESTERDAY, JANU-
ARY 23, IN WHICH YOU INFORMED US OF THE DECISIONS OF THE
GOVERNMENT OF THE U.S. ABOUT THE PRESENT AND FUTURE SITUATION
OF BRANIFF IN OUR COUNTRY AND OF AEROPERU IN THE U.S.; IN
COMPLIANCE WITH THE INSTRUCTIONS OF MY GOVERNMENT, I WISH TO
SAY:

1. THE BRANIFF'S OPERATING PERMIT CONTAINED IN
SUPREME RESOLUTION NO. 0156-74-TC/AE WILL BE COMPLIED
WITH AS SET FORTH IN SUPREME RESOLUTION NO. 0002-75-TC/E
BEGINNING FEBRUARY 1, 1975, SINCE THAT OPERATING PERMIT IS
SUBJECT TO PERUVIAN LEGISLATION AND THE PRINCIPLES AND
NORMS OF THE AIR TRANSPORT AGREEMENT BETWEEN THE
U.S. AND PERU, AND ITS ANNEXES AND AMENDMENTS.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 LIMA 00713 272251Z

WITHIN THIS FRAME OF REFERENCE MY GOVERNMENT FINDS

IT INEXPLICABLE THAT THE CONDITIONS OF THE PERMIT SHOULD BE UNACCEPTABLE TO BRANIFF AND PROFOUNDLY DEPLORES THAT THE USG IS IN AGREEMENT IN THIS REGARD.

THE AERONAUTICAL AUTHORITIES OF PERU, TAKING DUE NOTE THAT BRANIFF WILL CONTINUE OPERATING IN OUR COUNTRY AS OF NEXT FEBRUARY 1, IN KEEPING WITH THE TERMS OF THE OPERATING PERMIT CONTAINED IN SUPREME RESOLUTION NO. 0156-74-TC/AE REFERRED TO ABOVE AND IN KEEPING WITH SUPREME RESOLUTION NO. 0002-75-TC/AE MUST NEVERTHELESS MAKE CLEAR THAT SUCH OPERATIONS BY BRANIFF SHALL BE CARRIED OUT IN CONFORMITY WITH THE ITINERARIES REFERRED TO IN OUR LAW, AS PROPOSED BY THE AIRLINE, SUBJECT TO THE APPROVAL OF THE NATIONAL AERONAUTICAL AUTHORITIES.

2. THE APPLICATION OF PERUVIAN LAW AND OF THE PRINCIPLES AND NORMS OF THE AIR TRANSPORT AGREEMENT, ANNEXES AND AMENDMENTS THEMSELVES CAN NEITHER JUSTIFY, NOR EXPLAIN THAT A FUTURE SUSPENSION OF BRANIFF'S SERVICE TO PERU, BY THE UNILATERAL DECISION OF THIS SAME AIRLINE, SHOULD BRING ABOUT THE SUSPENSION OF AEROPERU'S SERVICE TO THE U.S. BY DECISION OF THE USG.

SUCH SUSPENSIONS OF SERVICES, IF CARRIER OUT, WOULD CONSTITUTE A VOLUNTARY ACT ON THE PART OF BRANIFF, AND A UNILATERAL AND HOSTILE ACT ON THE PART OF THE USG.

THE GOP TAKES CAREFUL NOTE OF THE ADVICE BY THE USG, OF THE SUSPENSION OF AEROPERU'S SERVICES WITHIN A PERIOD OF 30-45 DAYS, REFERRED TO IN ITS COMMUNICATION, AND GIVES NOTICE THAT, IF CARRIER OUT, IT WOULD BE IN VIOLATION OF THE US/PERU AIR TRANSPORT AGREEMENT AND ITS ANNEXES AND AMENDMENTS AND AGAINST ALL PRINCIPLES OF LAW.

3. IN OUR NUMEROUS MEETINGS, THE PERUVIAN AIR AUTHORITIES AND THOSE OF AEROPERU HAVE STRUGGLED TO FIND A SOLUTION FAVORABLE TO THE INTERESTS OF BOTH COUNTRIES. UNFORTUNATELY, WE ALWAYS CAME UP AGAINST THE EXCESSIVE AMBITION OF BRANIFF AND ITS THREAT TO SUSPEND ITS SERVICE TO PERU AND TO OBTAIN THE SUSPENSION OF THE SERVICE OF LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 LIMA 00713 272251Z

AEROPERU TO THE U.S., IF BRANIFF'S FREQUENCIES WERE NOT ONLY NOT REDUCED, BUT EVEN NOT INCREASED FROM 34 TO 42, AND IF ALL OF THEIR REQUIREMENTS WERE NOT MET BY THE PERUVIAN AUTHORITIES.

4. FINALLY, IF THE U.S. IS READY TO NEGOTIATE WITH PERU ON A BASIS OF RECIPROCITY AND JUSTICE WITH RESPECT TO EQUAL RIGHTS OF BOTH PARTIES AND THE RATIONAL PURPOSE

OF COMMON AIR DEVELOPMENT, IT IS WORTH SAYING THAT IF
NEGOTIATIONS ARE UNDERTAKEN KEEPING IN MIND AND RESPECTING
THE PRINCIPLES OF THE AIR TRANSPORT AGREEMENT, ITS ANNEXES
AND AMENDMENTS; OUR DOORS ARE ALWAYS OPEN AND OUR AUTHOR-
ITIES ARE PREPARED TO LISTEN TO THE PROPOSALS THAT THE
USG MIGHT WISH TO SUBMIT FOR OUR JOINT CONSIDERATION.
BARNEBEY

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CIVIL AVIATION, NEGOTIATIONS, FOREIGN POLICY POSITION, AIRLINES, TRANSLATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 27 JAN 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975LIMA00713
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750030-0396
From: LIMA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750118/aaaaapsj.tel
Line Count: 122
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 75 LIMA 0678
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 03 SEP 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <03 SEP 2003 by CunninFX>; APPROVED <17 DEC 2003 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CIVAIR CONSULTATIONS
TAGS: EAIR, PE, US, BRANIFF, AEROPERU
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006